

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

AMERICAN ADDICTION CENTERS,)	
INC., RECOVERY BRANDS, LLC, and)	
ADDICTION LABS OF AMERICA, LLC,)	
)	
Plaintiffs,)	
)	
v.)	NO. 3:19-cv-00376
)	JUDGE RICHARDSON
)	
NATIONAL ASSOCIATION OF)	
ADDICTION TREATMENT)	
PROVIDERS,)	
)	
Defendant.)	

ORDER AND MEMORANDUM OPINION

Pending before the Court is Defendant's Motion for Leave to File a Petition to Dismiss this Legal Action Pursuant to Tenn. Code Ann. § 20-17-104 (Doc. No. 33, "Motion"), accompanied by a supporting Memorandum of Law (Doc. No. 34). Plaintiffs have filed a response (Doc. No. 38), and Defendant filed a Reply (Doc. No. 42). For the reasons stated herein, the Motion is denied.

Tennessee law provides that "[i]f a legal action is filed in response to a party's exercise of the right of free speech, right to petition, or right of association, that party may petition the court to dismiss the legal action." Tenn. Code Ann. § 20-17-104(a). This law, the Tennessee Public Participation Act ("TPPA"), is also known as Tennessee's anti-SLAPP statute and became effective on July 1, 2019. Defendant asserts that the TPPA should be deemed applicable to this action and it should be allowed to file a petition to dismiss pursuant thereto.

The TPPA expressly provides that it "shall apply to any legal action commenced on or after the effective date of this act [July 1, 2019]." 2019 Tennessee Laws Pub. Acts Ch. 185, Section 2, filed at Doc. No. 38-1. This action was filed on May 6, 2019. (Doc. No. 1). Although Plaintiffs

filed a First Amended Complaint on August 2, 2019, after the effective date of the TPPA, that First Amended Complaint relates back to the original filing date pursuant to Fed. R. Civ. P. 15(c)(1).

The Court is aware of issues relating to whether the TPPA can be applied in federal court. *See, e.g., Lampo Group, LLC v. Paffrath*, No. 3:18-cv-01402, 2019 WL 3305143 (M.D. Tenn. July 23, 2019). The Court need not reach those issues, however, because even if the TPPA could be applied in federal court, it cannot be applied here because this case was filed before the statute took effect.

Accordingly, the Motion is **DENIED**. Plaintiffs' request for attorneys' fees (Doc. No. 38 at 7) is also **DENIED**, as the Court does not find the Motion to be frivolous.

IT IS SO ORDERED.


ELI RICHARDSON
UNITED STATES DISTRICT JUDGE